

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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**In the Matter of**

**New Part 4 of the Commission's Rules  
Concerning Disruptions to Communications**

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**ET Docket No. 04-35**

**COMMENTS OF MCI, INC.**

MCI, Inc. ("MCI") hereby submits its comments in response to the Federal Communications Commission's ("FCC" or "Commission") Further Notice of Proposed Rulemaking ("FNPRM") concerning changes to the Commission's service disruption reporting rules relating to airports.<sup>1</sup> The FNPRM specifically seeks comment on two proposals: 1) whether outage reporting requirements should be extended to cover general aviation airports and, if so, what thresholds should apply; and 2) whether other types of airport communications should be subject to service disruption reports.<sup>2</sup>

As explained in more detail below, MCI believes that both of the proposed rule modifications are unnecessary. They do not advance the FCC's national security objectives, but instead would result in a significant increase in the burdens on carriers. The Commission should thus refrain from adding additional airports and additional types of communications to the reporting requirements and instead focus on clarifying the Part 4

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<sup>1</sup> *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-35, para. 67 (rel. Aug. 19, 2004) ("*Report and Order*" or "*FNPRM*").

<sup>2</sup> *Report and Order*, para. 67.

rules so that meaningful data can be gathered in the reporting process. In particular, as described in detail below, the Commission should remove the word “potentially” from section 4.5(c) so that it is clear what is reportable.

**I. The Proposed FNPRM Rule Modifications are Unnecessary and Do Not Further the FCC’s National Security Objectives**

Expanding the number of airports subject to outage reporting will increase the burden to carriers with little or no associated benefit. Based on the Federal Aviation Administration’s latest National Plan of Integrated Airport Systems (“NPIAS”) report data, there are 788 airports that are currently subject to outage reporting requirements.<sup>3</sup> If general aviation airports are added to the rules, the number of airports subject to outage reporting requirements would increase by a staggering 324%. These airports, which “tend to be distributed on a one-per-county basis in rural areas” with an “average of 33-based aircraft”<sup>4</sup> currently number 2556, but these facilities *account for only 0.06% of all enplanements*.<sup>5</sup> Clearly, the small volume of passengers and rural nature of these airports hardly justifies the dramatic increase in the scope of reporting. In short, this proposal would divert scarce resources to the task of reporting – resources which could instead be assigned to restoring communications.

The FCC should also avoid expanding the scope of airport reporting to include other communications types. Satellite and wireless service outages are now covered by Part 4. Moreover, the FCC has already acknowledged that “critical infrastructure serving

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<sup>3</sup> National Plan of Integrated Airport Systems (NPIAS) (2005-2009), Report of the Secretary of Transportation to the United States Congress at 1 (Sept. 30, 2004) (383 Primary, 127 Commercial Service, and 278 Reliever).

<sup>4</sup> *Id.* at 8.

<sup>5</sup> *Id.* at 5.

airports is landline based.”<sup>6</sup> Thus, expanding outage reporting requirements in this way is unnecessary, would only increase the burden on carriers, and would provide little value in furthering the Commission’s stated objectives.

## **II. The Commission Should Clarify the Part 4 Rules Relating to Airports**

Instead of expanding the scope of reporting requirements relating to airports, the Commission should instead turn its attention to clarifying the newly promulgated Part 4 outage reporting rules. As currently written, the reporting requirements relating to airports are unclear and appear to be overly broad. The rules need to be clarified – especially if the general aviation airports and other types of communications are ultimately added to the requirements.

The new Part 4 rules require that carriers report all “outages that potentially affect communications for at least 30 minutes with any airport that qualifies as a ‘special office and facility’....”<sup>7</sup> While the former rules (and original NPRM) gave guidance as to what qualifies as “potentially affect[ing]” airport communications, the new rules give no hint as to what the phrase means. Without clarifying language, this definition is overly broad and somewhat circular when read together with the definition of “Outage.” That is, it is not entirely clear how a carrier would report a “significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider’s network” that “potentially affect[s] communications....” It is the notion of “potentially affect[ing]” communications that creates a problem. At a minimum, the Commission should remove “potentially” from

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<sup>6</sup> *Report and Order*, para. 66.

<sup>7</sup> 47 C.F.R. § 4.5(c).

section 4.5(c). The word “potentially” leads to unbounded results in that *every* outage has a “potential” of affecting airport communications. Eliminating this one word would dramatically increase the clarity of the rule.

In any event, to fully minimize confusion and obtain the most pertinent information from reports relating to airports, the Commission should consider using a definition consistent with the NRIC VI Focus Group 2 Final Report<sup>8</sup> as MCI noted in its Comments and Reply Comments in this proceeding. Using this type of definition would ensure that only relevant outage events are reported.

### **III. Conclusion**

For the foregoing reasons, MCI urges the Commission to refrain from expanding the outage reporting requirements relating to airports and clarify its existing rules consistent with these comments.

Respectfully submitted,  
MCI, Inc.

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<sup>8</sup> See Network Reliability and Interoperability Council VI, “Focus Group 2 – Network Reliability, Final Report,” (Nov. 17, 2003).